

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

ANGELA ABNER,)	
)	
Plaintiff,)	
)	
vs.)	
)	Mississippi County Circuit Court
CASEY’S GENERAL STORE)	Case No. 21MI-CV00092
)	
Defendant.)	NOTICE OF REMOVAL OF
)	ACTION UNDER 28 U.S.C.
)	§1441(b)
)	(DIVERSITY JURISDICTION)
)	
)	JURY TRIAL DEMANDED

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Casey’s General Store (hereinafter “*Defendant Casey’s*”) by and through its counsel, file this Notice of Removal of this cause from the Mississippi County Circuit Court, Case No. 21MI-CV00092, where it is now pending, to the United States District Court for the Eastern District of Missouri, Southeastern Division, and for grounds in support thereof, states as follows:

1. On March 1, 2021, Plaintiff Angela Abner (“*Plaintiff*”) filed a Petition naming Defendant Casey’s in the above-referenced civil action, alleging injuries resulting from an alleged slip and fall on a “rolled” mat outside of the main entrance of a convenience store in East Prairie, Missouri on or about January 31, 2020.

2. Service was perfected on Defendant Casey’s on or about March 11, 2021. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b). A complete copy of the Mississippi County Circuit Court file is attached hereto as Defendant Casey’s **Exhibit A**.

3. Plaintiff is a citizen of the State of Missouri, residing in East Prairie, Missouri.

4. Defendant Casey's is incorporated in the State of Iowa and maintains its principal place of business at One SE Convenience Boulevard, Ankeny, Iowa 50021.

5. This is a civil action for alleged personal injuries by Plaintiff which occurred allegedly when "Plaintiff slipped and fell on a "rolled" mat outside of the main entrance/exit upon leaving the establishment" at a convenience store at 605 W. Washington St., East Prairie, Missouri on or about January 31, 2020. (See ¶4 of Plaintiff's Petition).

6. That based upon Plaintiff's Petition and information known to Defendant Casey's, the jurisdictional limit for this Court has been met and that Defendant Casey's has reasonable belief from the pleadings and proof adduced to the Court before trial, that the Plaintiff's claimed damages are in excess of \$75,000, exclusive of costs.

7. Based on Plaintiff's Complaint, undersigned counsel believes that Plaintiff claimed damages are greater than the jurisdictional amount as Plaintiff alleges her injuries are:

are and were severe, permanent and progressive in nature, character and extent. Prior to Plaintiff's aforementioned slip and fall accident, said Plaintiff was without said impairments and disability. She has suffered, is suffering and will continue to suffer great physical and mental pain. Plaintiff is physically impaired now and will be in the future. (See ¶18 of Plaintiff's Petition).

8. On Defendant Casey's information and belief, based on the allegations of pain and suffering, allegations in the Petition of the need of future medical treatment alleged by the Plaintiff, and a pre-suit demand in excess of \$100,000, there is a preponderance of evidence that Plaintiff's claim is in excess of \$75,000, exclusive of interest and costs.

WHEREFORE, Defendants General Store notifies the Court of this Removal.

Dated: April 5, 2021

Respectfully submitted,

TEASDALE & ASSOCIATES, LLC

/s/ Douglas S. Teasdale

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Attorneys for Defendant
Casey's General Store

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of April, 2021 the foregoing document was filed electronically with the Clerk of the United States District Court for the Eastern District of Missouri, Southeastern Division, to be served by operation of the Court's electronic filing system upon:

Mr. Andrew R. Tarry
Tarry Law Firm L.L.C.
815 Independence Street
Cape Girardeau, MO 63703

/s/ Douglas S. Teasdale